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SUBJECT: DEPUTY SECRETARY NEGROPONTE'S MEETING WITH HUMAN
RIGHTS GROUPS

11. (U) May 8, 2007, 0800, residence of Charge d'affaires,
a.i.

12. (U) Participants:

United States

The Deputy Secretary
WHA A/S Thomas P. Shannon
CDA Milton K. Drucker
D staff assistant Mary Sue Conaway
Political Counselor John S. Creamer
D/polcouns Scott I. Hamilton (notetaker)

Colombia

Mario Gomez, Fundacion Restrepo Barco
Gloria Flores, MINGA
Fernando Calado, IOM
Barbara Hintermann, ICRC
Olga Lucia Gomez, Fundacion Pais Libre

Summary

11. During a cordial May 8 breakfast meeting, representatives of human rights NGOs and international organizations told the Deputy Secretary Colombia's justice system was independent but inefficient. It needed more investigators and prosecutors to be effective. Fundacion Restrepo Barco's Mario Gomez credited President Uribe's democratic security policy and the Justice and Peace Law process (JPL) with sharp reductions in violence, especially homicides. MINGA's Gloria Flores urged the GOC to strengthen its protection program for victims, witnesses, and other participants in the JPL process. All agreed Colombia's displaced population, at between two and three million, was a serious problem, although the trend was down. The ICRC's Barbara Hintermann cautioned displacement could grow because of more aggressive military action against FARC and ELN terrorists. End summary.

Democratic Security

12. Mario Gomez said the results of President Uribe's democratic security approach were strong: crimes were sharply down across the country, especially homicides. The JPL process, including former paramilitary demobilizations, had revealed mass grave locations and clarified the facts surrounding some major crimes. The police were now present in all 1098 municipalities; five years ago 10 percent of

municipalities lacked a law enforcement presence. Several years ago, 70 mayors had to flee their towns and govern from a regional capital because of terrorist threats. The increased police presence had allowed many of these officials to return.

13. The International Organization for Migration's (IOM) Calado said the GOC's challenge was to ensure communities were not polarized by the return of former paramilitaries. MINGA's Flores said the Constitutional Court decision modifying the JPL had made a major contribution to truth in Colombia by emphasizing the rights of victims and conditioning ex-paramilitary JPL benefits on their truthful testimony. Flores agreed violence was down, but said the GOC needed to be more aggressive in dismantling ex-paramilitary criminal structures to prevent the rise of new groups. She noted that violence remained a grave problem in certain areas, including the port city of Buenaventura, where illegal armed groups struggled for criminal spoils. Criminal groups with links to former paramilitaries or to the FARC were a problem even in Bogota.

Land Dispossession

14. The NGO representatives told the Deputy Secretary land dispossession was both a cause and a consequence of the conflict. Gomez emphasized only 10 percent of Colombian land was titled before the conflict. Most Colombian campesinos did not possess title to the land they occupied, making reparations for dispossession difficult. Flores said former paramilitaries had stolen some six million hectares from campesinos, with ex-paramilitary nominees now using the land for agro-industrial projects and cattle ranching. She cited

Catatumbo in Norte del Santander department as especially emblematic, where illegal armed groups used kidnapping of family members to force sales of land. Most of the seizures were in areas where land was valuable for economic or strategic purposes.

15. Gomez disputed the size of the land seizures, but conceded the difficulty in ensuring reparations. He said in many cases poor campesinos were struggling against each other for the same land, with neither having title as proof of ownership. Calado said the judicial process was slow and cumbersome. Gomez added that the GOC was looking at compensating some dispossessed with alternative land parcels. The National Reparations and Reconciliation Commission was assessing the viability of alternative compensation schemes.

How Many Displaced?

16. Calado told Negroponte estimates of Colombia's displaced population range from two to three million, depending on how they are counted. Mario Gomez said the GOC number is closer to 2 million, based on those who register with the government and receive benefits. In Colombia's most recent census, 700,000 respondents claimed to be displaced, a number MINGA's Flores discounted as too low. She noted social stigma and fear of retaliation from armed groups encouraged people to reject displaced status. Gomez said if all those historically displaced are counted, the figure would be close to three million. He said the number is alarming no matter which total is used. Calado told Negroponte the GOC was in the process of complying with a Constitutional Court judgment that mandated higher GOC spending on displaced populations.

More Displacements on the Way?

17. The ICRC's Barbara Hintermann noted an increase in "massive displacement" in the first two months of 2007, especially in Arauca and Antioquia, and warned there could be

more to come. She said the Colombian military was entering areas formerly occupied by the FARC or ELN, leading to combat that generated displacement. She voiced concern that the distinction between participants and non-participants in the conflict was becoming blurred. Both GOC forces and terrorists were pressuring civilians to cooperate, as well as using civilian property and goods. The GOC should do more to curb the activities of new criminal groups, groups that further exacerbated displacement. MINGA's Flores said the U.S. should evaluate Plan Colombia's effect on Putumayo department, where she alleged elements of the Colombian military had colluded with former paramilitaries. Flores claimed remnants of the "Los Rastrojos" paramilitary group remained in the department. FARC and ELN retaliation against purported paramilitary collaborators was causing additional population displacement, she said.

Justice System and Bottlenecks

18. Gomez said Colombia's justice system was independent but inefficient. In the past, it would have been easy to find "brutal indications of impunity," but there were signs of progress. Calado said some 50 major ex-paramilitary leaders were in jail and would be tried for their crimes under the JPL process. The challenge was to help ensure the GOC had adequate resources to meet its JPL obligations. This required increased assistance to victims, and more forensic investigators and prosecutors. Olga Gomez of the anti-kidnapping group Fundacion Pais Libre said the transition from the old inquisitorial criminal justice system to the oral accusatory process had caused significant problems. In some cases, witnesses feared to confront their accusers. In others, prosecutions failed because lawyers and judges did not understand the new system. She claimed only 20 kidnapping cases were prosecuted in 2005 due to prosecutors' problems in implementing the oral system. In a similar vein, Flores claimed 2,500 unionists had been killed since the early 1990s, but few had been prosecuted for the crimes.

19. Flores argued there were a number of bottlenecks that inhibited faster results. She asserted paramilitary infiltration of the Prosecutor General's Office (Fiscalia) was at its height under Prosecutor General Luis Camilo Osorio

(2001-2005), but criminal penetration remained a problem. This caused cases to stall and allowed victims and witnesses to be intimidated. She urged strengthened GOC protection programs for victims, witnesses, and other participants in the JPL process. Olga Gomez said increased Fiscalia resources could help resolve cases quickly, but without such resources the cases could drag on for up to 10 years.

110. Deputy Secretary Negroponte cleared this message.

Drucker